

A regular meeting of the Marilla Town Board was held August 12, 2004 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Officials present were:

John Foss, Supervisor
Fred Specht, Councilman
George Gertz, Councilman
Warren Handley, Councilman
Absent: Barbara Spanitz, Councilman

Supervisor Foss called the meeting to order and the Pledge of Allegiance to the Flag was given.

Communications

1. Marilla Free Library requested the use of the Community Center for their annual Book Sale from September 15th to the 18th.

Committee Reports

Highway Superintendent Dave Pierce reported that the roadsides have been mowed again. Stolle Road was blacktopped on Tuesday and the shoulders will be put down next Tuesday or Wednesday. Erie County Highway will finish black topping East Avenue tomorrow if weather permits.

Councilman Handley reported that the CAB is working on the next PACE Grant application which must be in by October 1st. The Pavilion Board has their next concert coming up on August 22nd at 2:00 p.m. the entertainment will be done by the "Gospel Express". The Board met last night and have decided to have a "Bountiful Harvest Celebration" at the Town Park on October 2nd. The event will include a non-denominational Church Service at 3:00 p.m. with hayrides and a shared pot-luck meal, cider, donuts, pumpkin decorating with the youth groups and a food collection for the Alden/Marilla food pantry.

Councilman Specht reported that Time Warner Cable has had a disagreement with Cable Vision which may result in them discontinuing the Fox Stations. He also stated that the electrical work was completed at the Town Hall. The tentative date for the installation of the server at the Town Hall is Friday, August 20th. He reported that the proceeds from the Car Show for Mercy Flight totaled \$9,450, Marilla Fire Company received \$500 and the Marilla Veterans received \$250. He commented on what a success the Sesqui-centennial week was and repeated a statement from Marilla Fire Company President Andy Farmer stating that "This Town really came together for this Sesqui".

Supervisor Foss reported that the Town is now starting its budget process for 2005. Town departments have their worksheets and they are to be returned by August 21st. I will then complete the tentative budget by September 3rd so we can include a summary of the budget in our September newsletter. Thru the first 6 months the Town's financial condition looks very positive and residents can expect that we will continue current services and keep taxes at or about the same rate they currently are.

He wanted to thank all the people who helped to organize and carry out the events of our 150 year celebration. All events were more successful than we ever could expect and I received many compliments from local and neighboring residents for all the wonderful activities for the week. The weather was not always the best but events went on in spite of the rain and we had wonderful attendance for all events. A special thanks goes to our Firemen for all the help they willingly gave and also for agreeing to move the date from June to July for their carnival so we could have a full week celebration.

He stated that the Town Board is now looking for qualified projects that meet HUD regulations. We will be holding a public hearing in October to get public input to see if we can identify any project that will meet the requirements. The funds are difficult to obtain due to HUD conditions and competition from other Governments. Some of our previous projects have been the Library elevator, Community Center, and the Pavilion brick walkway.

Open Board Presentations From the Public

Resident Warren Cullen from Bullis Road wanted to thank the Town Board for their participation and success in the Sesqui-centennial celebration.

Resident Jake Argauer from Three Rod Road agreed with Mr. Cullen's sentiment for the Sesqui Celebration.

Leona O'brien from Timothy Lane wanted to thank the Library Committee and the Historical Society for making the celebration a wonderful week.

Elaine Argauer from Three Rod Road stated that she spoke with a woman on the corner of East Avenue during the Sesqui Celebration and the woman had attended most of the events and thought it was all wonderful, especially the Trolley Ride.

Gloria Specht from Eastwood Road stated that the week of the Sesqui-centennial made her so proud.

Old Business

Motion: Councilman Specht moved, seconded by Councilman Gertz to approve Minutes from the Special Meeting held on 7/6/04 and the Regular Meetings held on 7/8/04. Motion Carried.

New Business

Motion: Councilman Handley moved, seconded by Councilman Gertz to approve the following resolution:

WHEREAS, the Town of Marilla has surplus funds in its budget;
and

WHEREAS, the Town of Marilla previously was notified that it had been approved to receive a grant to purchase development rights in real property from both New York State and the United States for the purposes of maintaining open space and preserving farmland; and

WHEREAS, the Town Board on August 9, 2001 following a public hearing adopted a resolution authorizing the use of State grant monies and the Town's surplus funds to purchase development rights; and

WHEREAS, counsel for the Town has discovered that there is an active oil and gas lease on the subject property and as a result the subject property does not meet the USDA guidelines for receiving the federal grant money for the purchase of development rights; and

WHEREAS, the Town Board has exercised its best efforts (to date, without resolution) to obtain a partial release of the active oil and gas lease for the purpose of qualifying under USGA guidelines; and

WHEREAS, if Counsel for the Town cannot resolve the oil and gas lease issue, the Town of Marilla will be denied the Federal monies for the purpose of purchasing development rights but the Town Board has determined that it would still be in the best interest of the Town of Marilla to continue with the purchase of such development rights even if it must do so without the Federal grant monies for the purpose of maintaining open space and preserving farmland.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. that the Town Board authorizes the continuation of the purchase of development rights in real property for two (2) parcels of unimproved real property located at Eldridge Road, one (1) parcel of unimproved real property located at Two Rod

Road, and one parcel of improved real property located at Two Rod Road, all in the Town of Marilla, County of Erie and State of New York, for the purposes of maintaining an open space and preserving farmland with surplus funds of the Town and the State grant funds even if the Town is denied the Federal Grant monies due to the active oil and gas lease.

2. This resolution shall take effect immediately.

Roll Call Vote:

Councilman Gertz – Aye Councilman Handley – Aye

Councilman Specht – Aye Supervisor Foss – Aye

Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Specht to approve the following resolution:

WHEREAS, on August 9, 2004 there was a serious accident at the corner of Two Rod Road and Clinton Street in the Town of Marilla which resulted in two fatalities; and

WHEREAS, historically there have been a significant number of serious accidents at that same intersection, many of which have involved fatalities; and

WHEREAS, the intersection of Bullis Road and Two Rod Road in the Town of Marilla also appears to have a disproportionate number of accidents but typically not involving fatalities due to the reduced speed at that intersection; and

WHEREAS, the Town Board of the Town of Marilla believes that it would be in the best interest of the health and safety of the residents of the Town of Marilla and the public at large for a traffic study to be undertaken to include both intersections and the roads leading into both intersections to determine if safety improvements should be undertaken, whether the speed limits should be reduced, whether a traffic light or four way stop signs installed at the intersections or other actions taken.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF MARILLA AS FOLLOWS:

1. The Town Board of the Town of Marilla requests that the County of Erie and the State of New York undertake a traffic study of Two Rod Road and Bullis Road and Two Rod Road and Clinton Street and the roads leading into the intersection to determine whether safety improvements should be undertaken, whether the speed limits should be reduced or a traffic light or four way stop sign installed, or other steps taken to improve the safety of both intersections.
2. That the Town Clerk is directed to forward a copy of this resolution and a copy of the accident history compiled at both intersections, if available, to the County of Erie with a request that a traffic study be undertaken by the County of Erie and the New York State Department of Transportation as soon as possible.
3. This resolution shall take effect immediately.

Erie County Officer Chief Benson wanted to express his deepest sympathy to all parties surrounding the fatal accident on Monday, he then reported on the following statistics gathered concerning this intersection; since the beginning of the year there have been (4) accidents at this intersection, since January 1, 1990 thru May 31, 1992 there have been (39) total accidents- no fatalities, 17 injuries and 22 property damage accidents only. Regarding the entire Two Rod Road area there has been 40 accidents – no fatalities, 9

injuries and 31 property damage only. He also compiled a report of information from his office alone not including any accidents the State Police responded to; from 6/1/02 thru 1/1/04 they have investigated 13 accidents some with injuries, one was during a snow storm where two cars went into a ditch with no injuries, another a Crispy Cream Truck hit a deer, a property damage accident when vehicle hit a mail box, and other various property damage accidents. As of tonight a speed trailer has been placed on Clinton Street and it will be patrolled frequently and diligently as well as Two Rod Road. This completes his report and he added that in no way does this reflect anything on the tragedy that happened three days ago. He stated that Sheriff Gallivan is also willing to do what is necessary for the residents safety.

Supervisor Foss stated that once this resolution is approved he is asking Councilman Gertz who is in charge of safety and disaster coordination of the Town to head up a committee and work with Chief Benson, along with Engineers from Nussbaumer & Clark (Bill Christen ,Charlie Getz).

Councilman Gertz commented on the safety on Two Rod Road, just about a month ago there was a motorcycle accident with a fatality. We had been in contact with Chief Benson prior to the accident about concerns and complaints from residents about this road, Chief Benson attended the accident scene along with the Marilla Fire Company. We have been working together on this situation for a while and he thanked Chief Benson for responding to our Town's needs.

Councilman Handley stated that the Town Board is very fortunate to have the resources that we do to come up with a lot of the quick answers that we are coming up with. Although we haven't solved the problem yet, we have the proper agencies, consultants and attorneys helping us in this matter. The Town should be proud of the fact that we have jumped into this and tried to find some resolution to it and put the proper procedures in place.

Roll Call Vote:

Councilman Gertz – Aye	Councilman Handley – Aye
Councilman Specht – Aye	Supervisor Foss - Aye
Motion Carried.	

Motion: Councilman Handley moved, seconded by Councilman Gertz to authorize consolidation of Election Districts 1&3 at the Marilla Town Hall, and 2,4 and 6 at the Community Center and District 5 by it self at the Community Center for the Primary Election on September 14th 2004. Motion Carried.

Report of Town Officials

Town Engineer Marie Nowak reported that we will have to wait until at least October until next years federal budget is in place for funding Water District V.

Building Inspector John Fronczek submitted a written report with 8 building applications received totaling fees of \$432.00 building permits issued with a value of \$31,000.00, 16 inspections were made, and 1 complaint was acted on. A total of 183 acts of official business were made for the month of July.

Assessor Chairman Earl Dabb stated he is proud to be part of Marilla.

Planning Board minutes were received and posted and they will be finishing up the new sign ordinances final draft and 1 special use permit at the next meeting.

Conservation Advisory Board minutes have been received and posted.

Marilla Fire Company representative Paul Robinson wanted to thank everyone for supporting the Marilla Fire Company and the Benevolent Association at this year's Sesqui-centennial celebration.

Sally Kutter commented in Hubert's absence that he was proud to be part of the celebration.

Open Board Presentations

Councilman Specht stated that he wanted to welcome the 2 boyscouts in the audience. He also commented that at the next Civil War Re-enactment he will decline the job of wood delivery to the actors, the south would not share with the north.

Councilman Handley stated that he has heard a lot of positive comments about the pavilion and the new sound system.

Councilman Gertz reported we are into the second printing of the History Book and wanted to thank Hubert Kutter and Jeff Lewinski for a great job. He also wanted to thank the Two Rod Road residents for their patience in putting up with the road closure for the car show, as well as the Sheriffs Department for their immediate assistance in closing the road.

Supervisor Foss commented that it took a year and a half to prepare for the Sesqui-centennial and it's already gone. It's really nice to hear all the nice comments after all the work that went into it. He stated that he had received two phone call this week from concerned citizens about the possible consolidation of the City of Buffalo and the County of Erie. I have no information because as usual we have received no information from the County on what is happening or what they might expect from Marilla. I want to assure all residents of Marilla we will not be absorbed by the County and City into some type of metro government that supposedly can operate more efficiently and economically than we currently do in Marilla. I challenge the people asking for this change to show us some real facts that will prove their theory. What I know is that Marilla is very sound financially and why would we want to join with the County or City who are having severe problems with their finances. I personally believe the Town of Marilla provides better and more economical services for our residents than a Metro Government can provide. The major problem is land use. I certainly do not want someone from the County or City Hall dictating what the future of our Town will be. The decisions for Marilla need to be made by residents of Marilla.

Resident Jake Argauer from Three Rod Road commented that he read in the Washington Post an article about this and it stated that bigger is not better, small towns should stay separate.

Chief Benson wanted to thank the Town Board for contacting him and keeping the Sheriffs Department involved. He considers himself a part of this community and feels he is just doing his job.

All claims have been previously reviewed by Councilman Handley and Councilman Gertz.

Motion:	Councilman Handley moved, seconded by Councilman Gertz to approve the claims as follows:		
	General Fund Claims, Vouchers 334-427	\$	34,370.49
	Highway Fund Claims, Vouchers 120-135	\$	11,772.67
	Special Districts		
	Sanitation (SR), Vouchers 76-85	\$	25,629.02
	Special Fire, Voucher	\$.00
	Water District #2, Vouchers 16-18	\$	2,432.76
	Water District #3, Voucher 8	\$	1,306.94
	Water District #4, Voucher 8	\$	789.34
	Community Development PACE	\$.00
	Community Develop. HUD	\$.00

Motion Carried.

Motion: Councilman Specht moved, seconded by Supervisor Foss to adjourn the meeting at 8:15 p.m. Motion Carried.

Respectfully Submitted,

_____	Town Clerk	_____	Supervisor
_____	Councilman	_____	Councilman
_____	Councilman	_____	Councilman